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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

Case No.: CR 09-00717 JF

11 Plaintiff,

**STIPULATION TO CONTINUE  
HEARING AND EXCLUDE TIME;  
[PROPOSED] ORDER**

12 v.

13  
14 MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

15 Defendants.  
16 \_\_\_\_\_/

17 Defendants Marco and Maria Barbosa and the government, through their respective counsel,  
18 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,  
19 presently scheduled for Thursday, April 28, 2011, at 9:00 a.m., be continued two weeks to Thursday,  
20 May 12, 2011, at 9:00 a.m. Both defendants have filed pretrial motions that are set for hearing at the  
21 next appearance. The continuance is requested to allow counsel for the government and counsel for  
22 Mr. Barbosa additional time to prepare briefing on the motions.

23 The parties further agree that time should be excluded under the Speedy Trial Act because the  
24 ends of justice served by granting the requested continuance outweigh the interest of the public and  
25 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense  
26

STIP. TO CONTINUE;  
[PROPOSED] ORDER  
No. CR 09-00717 JF

counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 4/25/11

/s/  
LARA S. VINNARD  
Counsel for Marco Barbosa

Dated: 4/25/11

/s/  
PETER LEEMING  
Counsel for Maria Barbosa

Dated: 4/25/11

/s/  
EUMI CHOI  
Assistant United States Attorney

**[PROPOSED] ORDER**

The parties have jointly requested a continuance of the hearing set for Thursday, April 28, 2011, to allow additional time for the parties to complete briefing on defense motions. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Thursday, April 28, at 9:00 a.m., be continued to Thursday, May 12, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from April 28 to May 12, 2011. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 4/26/11

  
JEREMY FOGEL  
United States District Judge